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Act of Secret Councell anent the pryce and measure of the Coale, and the preference of the Natives of this Kingdome to Strangers.



AT Edinburgh the nynteen day of October, the yeare of God 1643 yeares: Anent our Sovereigne Lords Letters raised at the instance of the Commissioners for the royal Burrows; Makand mention that where in December 1620. the Lords of Privie Councell upon the complaint of his Majesties Advocat, and the Noblemen, and inhabitants of the Shyreffdom of Haddington, against the Maisters of the Coal heuches upon the water of Forth, taking a band made by them for raising the pryces upon the load of Coals, annulled the said band, and discharged the transport of Coals by Natives or strangers, as the decreit given hereanent bears: Like as in the moneth of April thereafter, there was some course taken by the Councell touching a measure wherewith the Coales should be sold. And upon the 29 of November the same year, the Councell having taken to their consideration the prejudices and sufferings of the Countrey by the exorbitant prices set upon coale, and the preferring of strangers to Natives in the sale of coale, they made an act and caused proclaim the same at all places needfull upon the water of Forth, ordaining the maisters of the coale heuches, there to prefer the Natives coming to them for coale to whatsoever strangers, and not to postpone nor delay them upon whatsoever pretext or bargain made with the saids strangers; And to serve them with the like measure and pryces used and taken at the saids coaleheuches the space of three moneths, under the pain of an hundred pounds to be payed to the party wronged, either by highing the pryces, altering the measure, or delaying and postponing of them to strangers, to be payed by the contraveners, *toties quoties*. And the saids pryces and measures were ordained to stand till Pasche thereafter, that further order should be taken thereanent. And howsoever the maisters of the saids coalheuchs can pretend no ignorance of the said act, because of the lawfull and often publication of the same: nevertheless the abuse of the saids coale maisters are not onely continued by them against the tenor of the said act, but also are cometo a greater height nor of before. In so farre as not onely have the pryces and measure of coales been altered, and the Natives postponed to strangers, and great quantity of coal transported, but the Natives are also altogether defrauded of coale after long attendance upon the same, to the manifest violation and contempt of the said act and Proclamation, and heave prejudice of the countrey people, without remeed be provided. And anent the charge given to John Cornwall of Bonhard, M. Robert Cornwall his brother, sir William Dick of Braid, M. Andrew Dick his son, James Hamilton of Grange, John Hamilton of Kinglassie, John Hamilton chamberlain of Kinneill, Robert Elphinstoun of Querecell, James Spittle there, Edward Cowy Takfman of the coale of Faw Kirk, William Earle of Airth, George Forrester Takfman of the coale there, Alexander Lord Elphinstoun, John Earle of Mar, Henrie Stuart of Baith, Sir Alexander Schaw of Sauchie, M. Robert Bruce of Kenner, Edward Bruce now of Culroffe, M. Alexander Clark of Pittencreiff, Thomas Charters, James Loch, and John Rynd for the coaleheuches of Tilliallan, John Bairdie in Innerkething, Sir John and George Prettons of Valfield, John Earle of Weems, Sir Alexander Gibson elder of Durie, John Colyear in Kirkaldie, John Lord Sinclair, David Boswell of Balmouto, David Beatson of Cardon, George Earle of Winton, Sir John Johnston of Elphinstoun, Captain Robert Hamilton, Captain Thomas Hamilton, Robert Cockburne of Butterden, James Dishington in Elphinstoun, Robert Greirson skipper in the Pannes, John Aikman there, and David Preston of Craigmillar, to have compeired personally before the Lords of Prive Councell, at a certain day by gone, to have answered upon the contravention of the acts foresaid, by altering the prices and measure of Coale, delaying the Natives, and postponing them to strangers, against the tenor thereof; and therefore to be decerned to incur the paines contained therein: And to have heard such order taken for a constant measure and prices in time coming: as alsa touching the transport of coale, as the Councell should thinke expedient. And that upon requisition to be made by the Natives for coale before famous witnesses, and production of an instrument of the coale maisters disobedience to the Lords of Privie Councell, they should be decerned to have incurred the paine of an hundred pounds, *toties quoties*. And that they should have compeired personally to the effect foresaid, under the pain of rebellion and putting of them to the horne: With certification to them, and they faillied, letters should be direct simpliciter, to put them thereto. Likeas at more length is contained in the saids letters, executions and indorfationes thereof. Which being called, and the saids persewers, compeirand be George Suttie Dean of Gild, and Commissioner for Edinburgh, and many others Commissioners from divers particular royall Borrowes within this Kingdome, together with M. Alexander Guthrie Clerk to the Burrowes, and John Ramsay there agent And the saids M. Andrew Dick, M. Robert Bruce of Kenner, M. Alexander Clerk of Pittencreiff, John Earle of Weems, John Lord Sinclair, David Beatson of Cardon, David Boswell of Balmouto, and James Dishington in Elphinstoun compeirand personally, and the said Sir William Dick compeirand be the said M. Andrew Dick his son; and the said Lord Elphinstoun compeirand be Hall his servant, and the saids John Earle of Mar, and John Hamilton of Kinglassie compeirand by M. David Williamson his proctor. And the remanent defenders foresaid, being oftines called and not compeirand. The said Earle of Weems and the remanent coale maisters compeirand, declared all with one voice, that as they ever had, so they would still continue in their obedience to the act of Councell, for preferring of Natives to strangers, conforme to the tenor thereof: And were content that the said act should stand in full vigour and force against them. And the said Earle of Weems also declared, that he sold the load of his land coale, being a water boll, for five shillings two pennies, and the load of his sea coale, of the measure foresaid, at seven shillings one pennie: and the Commissioners for the Borrowes offered to prove, that they bought the load of his land coale at foure shillings two pennies seven years since, which the said Lords referres to their probation to be proven by them upon the second of November next, which is the dyet assigned for that effect, in presence of the parties. And till that time ordines the persewers to pay the said sum of five shillings two pennies to the said Earle of Weems for the pryce of his land coale, and seven shillings one pennie for the load of his sea coale. Likeas the said David Beatson compeirand, as said is, acted himself to keep eight men still working at his great coale for furnishing the Countrey, and to sell the load thereof, being a water boll, at three shillings six pennies. And the saids Lords ordaines the said Laird of Balmouto, who was also personally present, to sell his coale to the countrey people, at the pryce hee hath sold the same thir five years by gone. Likeas the saids Lords ordaines the said Earle of Mar, and the rest of the coal maisters on the water of Forth, who sell their coals by chalders, to sell the same at five merks the chalder, untill such time as the persewers prove that they sold the same at an easier rate. For which purpose the said second of November is assigned. Likeas the said M. Alexander Clerk compeirand, as said is, acted himself that he should furnish the countrey with his coale at three shillings six pennies the load, being a water boll. As also the saids Lords ordaines the said M. Andrew Dick who compeired for himself and his father, and John Hamilton of Kinglassie, who compeired be the said M. David Williamson, to sell the chalder of their coale, which is the double of Alloway chalder, at ten marks, untill the Borrowes prove that they sold the same at an easier rate of before. And ordaines the said M. Andrew to sell the load of his land coale at six shillings the load, of the met aforesaid. And because Richard Chaplane Commissioner for the burgh of Haddington offered in presence of the saids Lords, to prove that the countrey people in east Lothian had at the Earle of Wintons coaleheuches (which would be a full horse load, and containe a water boll in his estimation) for three shillings foure pennies, and two pennies to the carrier. The saids Lords assigns to him the second of November next, to prove the same. And further, the saids Lords ordaines the whole remanent coal maisters above written, and their takfmen, to sell the load of their coale, being a water boll, at the prices which they received thir three years past, till the saids persewers prove that they sold the same formerly at cheaper rates. And where as the coale of Elphinstoun hath ever been a land coal for furnishing the countrey: Therefore the saids Lords discharges the said James Dishington, who compeired for himself and remanent Takfmen of the coale of Elphinstoun, to sell any of the said coale for transportation, under the paines contained in the acts of Parliament made against the transportation of coale. And that they presume not to high the pryce of their coale taken by them thir three yeares by gone, which is condescended to be three shillings foure pennies the load, of the measure of the water boll. Likeas the Commissioners for the Burrowes declared, they would use the same probation upon the said second of November next, touching the coale of Dyfert belonging to the Lord Sinclair, which they use against the Earle of Weems. And last, the saids Lords of new ordaines and commands the whole coale masters of this Kingdome to prefer the Natives coming to them for coale, to whatsoever strangers. And not to postpone nor delay them upon whatsoever colour or pretext or bargain made with the saids strangers. And to serve them at the measures and pryces above written, under the pain of an hundred pounds to be payed to the partie wronged, either by highing the pryces, altering the measure, or delaying and postponing them to strangers, to be payed by the contraveners *toties quoties*, conforme to the said act and Proclamation of the 29 of November, 1631. And further, under the paine to be altogether restrained from transportation of any of their coale, and also censured and punished in their persons, and goods, at the arbitrimint of the Councell. *Extractum de libris actuum Secreti Consilii S. D. N. Regis per me Archibaldum Primerois clericum ejusdem sub meo signo & subscriptione manualibus.*